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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/537,800

Applicant(s)

WALLMAN, STEVEN M.H.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-177 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-177 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed November 12, 2004.

Claims 1, 23-35, 48, 62-64, 72, 104-117, 131-140, 146-153, and 160-177 have been amended.

Claims 1-177 are presented for examination.

2. The previously pending rejection of all claims except 146-152 under 35 U.S.C. § 101 is withdrawn in response to Applicant's amendment of the claims.

The previously pending claim objections are withdrawn in response to Applicant's amendment of the claims.

Response to Arguments

3. Applicant's arguments filed November 12, 2004 have been fully considered but they are not persuasive.

Applicant argues that Chisholm does not address the amended feature of establishing voting preferences for voting in a future corporate vote because in Chisholm, "a user would still be required to enter a conditional vote for each and every corporate action for a given security in his or her portfolio and for each and every security in his or her portfolio." (Pages 37-38 of Applicant's response) The Examiner respectfully disagrees. Chisholm's users must establish voting preferences before he/she casts his/her own vote; therefore, these preferences are viewed as regarding

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future votes in relation to each individual's respective vote. In other words, the claims very broadly recite a future time period without any specific limits as to what the future time period is based on or relative to (e.g., before a request for vote is established and before anyone votes; prior to an individual casting his/her official vote, but after the vote has officially been opened to the voters; etc.). Therefore, the Examiner submits that Chisholm does indeed address the amended feature of establishing voting preferences for voting in a future vote.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 146-152 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

While claims 146-152 recite that a voting form is communicated by a computer and a computer receives the user's vote, this amounts to a nominal recitation of technology since the computer does not effect the core steps of the invention. For example, the computer is not utilized to perform any real analysis, such as generating a vote based on a user's voting preferences. Furthermore, the scope of the recited "service" is ambiguous and could merely refer to a service provided by a human. The recitation of a "computer implemented method" in the preamble of the claims does not remedy this problem either because it is not clear to what extent the method is computer implemented. For example, a method that merely transmits data via a

computer can be said to be computer implemented. Since the claimed invention does not sufficiently incorporate technology into the core steps of the invention, claims 146-152 are deemed to be non-statutory.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-177 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chisholm (U.S. Patent No. 5,400,248).

[Claim 1] Chisholm discloses a method for voting shares comprising:

receiving by a computer preferences regarding how to vote a user's vote in a future vote, said preferences including an identification of one or more individuals whose voting recommendations are to be followed when voting the user's vote (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 -- Chisholm's users must establish voting preferences before he/she casts his/her own vote; therefore, these preferences are viewed as regarding future votes in relation to each individual's respective vote);
and

automatically voting the user's vote by a computer in accordance with the received preferences in one or more subsequent votes (col. 5, lines 35 through col. 16,

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line 12 -- Chisholm's users must establish voting preferences before he/she casts his/her own vote; therefore, these preferences are viewed as regarding future votes in relation to each individual's respective vote);

[Claim 6] storing the preferences (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – In order to tally votes and perform conditional vote evaluation, the votes must be stored in a database);

[Claim 7] storing the preferences in a database (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – In order to tally votes and perform conditional vote evaluation, the votes must be stored in a database).

Regarding claims 1-27 and 36-47, while Chisholm does not expressly teach that a user is voting shares *per se* in a corporate voting, Chisholm does lay the foundation for the underlying principles behind the claimed invention – automatically casting a user's votes in accordance with preference information received from the user. The Examiner asserts that voting shares in a corporate voting is merely a well-known and specialized application of the generic voting arrangement proposed by Chisholm. For example, Chisholm's vote administrator enters a proposed vote into the system and specifies who can vote, voting deadlines, etc. (col. 5, lines 11-34). Corporate voting is simply a specialized example of a vote; a corporate voting issue is proposed, authorized voters are designated, voting deadlines are established, etc. Chisholm's voting system "leads to better and faster group decisions that are based on more complete voter knowledge than simply yes, no or abstain" (abstract); therefore, the Examiner asserts

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that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify Chisholm's invention to the specific application of voting user's shares in a corporate voting environment in order to facilitate "better and faster group decisions that are based on more complete voter knowledge than simply yes, no or abstain" in the complex world of making decisions through voting shares in a corporate voting environment.

As per claims 1-27 and 36-47, Chisholm allows voters to establish voting preferences that either mirror or oppose the votes cast by specified individuals or group of individuals (col. 6, line 51 through col. 16, line 12; however, Chisholm does not expressly teach that the voters can establish voting preferences based on an organization *per se*. The Examiner asserts that an organization is analogous to an individual or group of individuals since each entity sets forth a position in the vote upon which a user can base his/her own vote. Furthermore, an organization is merely a formal representation of an individual or a group of individuals; therefore, the claimed organization in the claimed invention plays a role analogous to that of Chisholm's individuals or groups of individuals who influence the votes of others. Similarly, the Examiner asserts that the concept of affiliating one's vote with an organization's recommendations is old and well-known in the art of voting. For example, many organizations endorse a certain political candidate and encourage all of their members to vote accordingly. Also, many people vote strictly along political party lines, which exemplifies how a voter aligns his/her vote with the position of a given organization (e.g., the Democratic or Republican party). Chisholm's invention provides an

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automated system for allowing a voter to conveniently and easily vote in correlation with the recommendations of a third party; therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Chisholm to allow a user to vote his/her shares not only in accordance with the recommendations of another individual, but also with those of an actual organization in order to make Chisholm's invention more versatile in its ability to handle a variety of forms of affinity-based voting (i.e., voting in accordance with recommendations of a third party), thereby making Chisholm's invention more marketable.

As per claims 2-5, Chisholm's users enter their voting preferences electronically; however, there is no explicit disclosure of completing a corporate voting form *per se* (claim 2), communicating a completed voting form to the corporation (claim 3), converting a hard copy of a corporate voting form into an electronic format (claim 4), and converting a hard copy of a corporate voting form into a computer readable and communicable format (claim 5). Official Notice is taken that it is old and well-known in the art of voting for users to enter their votes on a hard copy voting form and then process the counting of the votes electronically. In many instances (e.g., depending on the location and number of voters involved), such an arrangement is more cost effective than automating the entire process. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to adapt Chisholm to access paper votes and then process the voting results electronically, incorporating the steps of completing a corporate voting form in accordance with the received preferences (claim 2), communicating a completed voting

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form to the corporation (claim 3), converting a hard copy of a corporate voting form into an electronic format (claim 4), and converting a hard copy of a corporate voting form into a computer readable and communicable format (claim 5), in order to allow one to reap the benefits of Chisholm's affinity-based voting scheme in an environment where it is more cost effective to collect paper ballots and process the results electronically than it is to completely automate the entire process.

Regarding claims 8, 9, 16, and 18, Chisholm does not expressly teach the steps of communicating a list of a plurality of organizations to the user from among which the user can select to follow when voting the user's shares (claim 8), rendering a list of a plurality of organizations to the user from among which the user can select to follow when voting the user's shares (claim 9), providing one or more voting preferences to the user (claim 16), and rendering a list of one or more affinity groups that provide voter recommendations on one or more corporate voting actions by one or more corporations (claim 18). However, Chisholm's voters can condition their votes based on "the votes of specific individuals, on the number of percent of the overall group who vote a certain way, external events or on any combination thereof" (abstract). The voting system must have knowledge of a particular voter's vote if other votes are to be based on this voter's vote; therefore, all voters must be recognized as part of the group of authorized voters in the system. Chisholm merely fails to expressly teach that these individuals' (or organizations') names are provided in a list to its users. However, Official Notice is taken that it is old and well-known in the art of voting to provide to a voter a list of available choices. Even if a voter writes in "vote in accordance with Mickey Mouse's

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vote,” if Mickey Mouse is not a voting member, then affiliating oneself with Mickey Mouse’s vote essentially amounts to no vote at all. Providing a list of qualified voting members would apprise each user of their available choices, thereby preventing any misunderstandings that might prevent the user’s vote from being counted (e.g., the user might mistakenly misspell an organization’s name or even name an organization whose vote is not recognized). Since Chisholm’s conditional voting system relies on the ability to quickly and efficiently understand a user’s true voting intentions, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant’s invention to adapt Chisholm to perform the steps of communicating a list of a plurality of organizations to the user from among which the user can select to follow when voting the user’s shares (claim 8), rendering a list of a plurality of organizations to the user from among which the user can select to follow when voting the user’s shares (claim 9), providing one or more voting preferences to the user (claim 16), and rendering a list of one or more affinity groups that provide voter recommendations on one or more corporate voting actions by one or more corporations (claim 18) in order to more effectively apprise each user of their available choices, thereby preventing any misunderstandings that might prevent the user’s vote from being counted (e.g., the user might mistakenly misspell an organization’s name or even name an organization whose vote is not recognized).

As set forth in the rejection above, the recited voting of a user’s shares is seen as analogous to and obvious in light of Chisholm’s voting. Similarly, the claimed organizations have been established as analogous to and obvious in light of Chisholm’s

individuals and groups of individuals. Following similar lines of reason, the Examiner asserts that adapting Chisholm's invention to perform conditional voting for voting shares based on an organization's voting recommendations would also yield the following modifications:

[Claim 10] receiving voting recommendations regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – A user's voting preferences are received);

[Claim 11] receiving voting recommendations regarding one or more corporate actions from an affinity group (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 12] storing voting recommendations regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Votes are maintained at least long enough to be tallied);

[Claim 13] entering voting recommendations regarding one or more corporate actions into a database (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Votes are maintained at least long enough to be tallied. Any collection of data can be interpreted as a type of database);

[Claim 14] providing a user interface by which an affinity group enters voting recommendations on one or more upcoming corporate actions (Fig. 1; col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – All users are provided with interfaces through which to enter their votes/voting preferences);

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[Claim 15] providing one or more voting recommendations to the user (col. 5, line 47

– The generic voting options, such as “yes, no, abstain,” are provided to the users);

[Claim 17] providing a layered set of alternative voting preferences for each user (col.

4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user has various voting

options, including entering conditional or unconditional votes);

[Claim 19] receiving an indication of one or more of the affinity groups whose

recommendations the user desires to consider when voting votes in at least one

corporate action by at least one corporation (col. 7, lines 17-21);

[Claim 20] receiving a selection of one or more affinity groups whose

recommendations the user desires to follow when voting the user's votes (col. 7, lines

17-21);

[Claim 21] receiving a selection of one or more affinity groups whose

recommendations the user desires to oppose when voting the user's votes (col. 7, lines

17-21 – This is analogous to “voting the opposite of another person's vote”);

[Claim 22] electronically communicating a user's vote to the corporation (col. 4, lines

34-63; col. 5, line 11 through col. 9, line 20 – A user's vote/voting preferences are

received by the originator of the vote, which is analogous to a corporation requesting a

corporate vote);

[Claim 23] wherein the user's votes are voted based on a voting recommendation of

one or more affinity groups selected by the user (col. 7, lines 17-21 – This is analogous

to “voting the way the majority of parties x, y, and z vote” and “voting yes if at least 50%

of the group, including x, y, and z vote yes”);

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[Claim 24] wherein the user's votes are voted in accordance with a voting recommendation of one or more affinity groups selected by the user (col. 7, lines 17-21 – This is analogous to "voting the same as another person's vote");

[Claim 25] wherein the user's votes are voted in opposition to a voting recommendation of one or more affinity groups selected by the user (col. 7, lines 17-21 – This is analogous to "voting the opposite of another person's vote");

[Claim 26] wherein the user's votes are voted in accordance with a majority position held by a plurality of affinity groups selected by the user (col. 7, lines 17-21 – This is analogous to "voting the way the majority of parties x, y, and z vote" and "voting yes if at least 50% of the group, including x, y, and z vote yes");

[Claim 36] enabling an affinity group to review one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 37] enabling an affinity group to provide recommendations on one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 38] enabling an affinity group to provide recommendations as to the affinity group's position on one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

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[Claim 39] receiving recommendations from an affinity group regarding one or more corporate actions, the affinity group including management (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 40] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 41] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 42] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 43] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 44] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's

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vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 45] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 46] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group);

[Claim 47] receiving recommendations from an affinity group regarding one or more corporate actions (col. 4, lines 34-63; col. 5, line 11 through col. 9, line 20 – Each user's vote is received. Any individual or group of individuals upon which another user's vote is based is analogous to an affinity group).

Regarding claims 40-47, Chisholm fails to expressly teach the types of affinity groups recited in claims 40-47; however, Official Notice is taken that it is old and well-known in the art for a voter to seek advice from any of the following types of groups when deciding how to cast a vote: an association (claim 40), a political organization (claim 41), a special interest group (claim 42), a trade association (claim 43), a competing corporation (claim 44), an affiliated corporation (claim 45), a market analyst (claim 46), and a financial advisor (claim 47). Voters often seek advice from either of these respective groups in areas where the voters are unsure of their knowledge, but

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place more faith in the knowledge of either of these respective groups. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Chisholm's users to vote in accordance with the recommendations of an association (claim 40), a political organization (claim 41), a special interest group (claim 42), a trade association (claim 43), a competing corporation (claim 44), an affiliated corporation (claim 45), a market analyst (claim 46), or a financial advisor (claim 47) in order to allow a user to participate in a vote with more confidence on issues that he/she is less knowledgeable about, but trusts the opinion of another voting affiliate group, such as the ones recited in claims 40-47.

Regarding claim 27, Chisholm does not expressly teach that the user's votes are voted in opposition to a majority position held by a plurality of affinity groups selected by the user; however, Chisholm can vote a user's vote in opposition to the position held by an individual or group of individuals (col. 7, lines 18-19). As a matter of fact, Chisholm allows a user to set up various permutations of voting preferences. Voting in opposition to a majority position held by a plurality of affinity groups selected by the user is merely one specialized permutation of voting and it is suggested by the ability of Chisholm's users to vote in opposition to the position held by an individual or group of individuals (col. 7, lines 18-19) and in accordance with the vote of multiple individuals when all individuals are in positive agreement (col. 7, lines 4-5). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Chisholm's users to cast their votes in opposition to a majority position held by a plurality of affinity groups selected by the user in order to

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allow a user to express disagreement with a plurality of groups whose collective recommendations, when in agreement with one another, he/she opposes.

[Claims 28-35] Claims 28-35 recite limitations already addressed by the rejection of claims 1-27 and 36-47 above; therefore, the same rejection applies.

Furthermore, as set forth in the rejection above, the recited voting of a user's shares is seen as analogous to and obvious in light of Chisholm's voting. Similarly, the claimed organizations have been established as analogous to and obvious in light of Chisholm's individuals and groups of individuals. Following similar lines of reason, the Examiner asserts that adapting Chisholm's invention to perform conditional voting for voting shares based on an organization's voting recommendations would also address the details of weighting recommendations, as recited in claims 28-35. For example, by setting up various preferences upon which a user's votes are to be conditioned, the user is effectively granting a level of importance to, or weighting, the recommendations of other voters (or affinity groups, as addressed in the modified version of Chisholm discussed above). Therefore, all disclosed voting permutations disclosed by Chisholm and discussed throughout the rejections of claims 1-27 and 36-47 above weights a recommendation of each possible affinity group in the sense that those with a positive voting correlation (i.e., vote in accordance with A's vote) are given a higher weight than those with no mentioned voting correlation or even those with a negative voting correlation (i.e., vote in opposition to A's vote).

Additionally, Chisholm allows a user to specify various individuals upon which a majority decision is to be followed (col. 7, lines 3-21). By specifying various individuals upon which a majority is established, a user is effectively providing a back-up individual(s) upon which a majority can still be decided even when one of the individuals abstains from voting (analogous to claim 33). The user is also effectively prioritizing a list of individuals (analogous to affinity groups) by voting in agreement with a majority of a select group of individuals (col. 7, lines 3-21) (analogous to claim 34).

Regarding claim 35, Chisholm does not expressly teach that the user's vote provides an indication of a plurality of affinity groups whose recommendations the user desires to follow in a predetermined order in case a particular one or more of the plurality of affinity groups does not provide a recommendation on a particular corporate action of a particular corporation; however, Chisholm allows a user to set up various permutations of voting preferences. Chisholm's voters may also abstain from voting. For those users who want to cast a positive or negative vote (as opposed to abstaining), it would behoove them to set up a list of affinity groups in a predetermined order in order to increase the likelihood of casting a positive or negative vote in case one of the preferred affinity groups chooses to abstain from a vote. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to allow Chisholm's users to provide an indication of a plurality of affinity groups whose recommendations the user desires to follow in a predetermined order in case a particular one or more of the plurality of affinity groups does not provide a recommendation on a particular corporate action of a particular corporation in order to

increase the likelihood of casting a positive or negative vote for a user in case one of the preferred affinity groups chooses to abstain from a vote.

[Claims 48-177] Claims 48-177 recite limitations already addressed by the rejection of claims 1-47 above; therefore, the same rejection applies.

Please note that, as per claims 83 and 84, Chisholm's users can set up distinct preferences for each of a plurality of votes.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 4, 2005

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
AU3623